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PATENT

#77
11-6-98

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Hiroyuki YAMADA et al.

Serial No.: 08/922,318

Group Art Unit: 3747

Filed: September 3, 1997

Examiner: T. ARGENBRIGHT

Title: A THROTTLE VALVE CONTROL DEVICE FOR AN INTERNAL COMBUSTION ENGINE

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RESPONSE

Assistant Commissioner for Patents
Washington, D.C. 20231

November 2, 1998

Sir:

The following is responsive to the Office Action dated October 1, 1998.

REMARKS

Applicants herewith provisionally elect with traverse Claims 1-8 (Group I).

Reconsideration of the restriction requirement is requested on grounds that the Patent and Trademark Office has not demonstrated independence and/or distinctness within the meaning of 35 U.S.C. § 121. In particular the claims of Group I and Group II are drawn to a throttle valve control device which controls the amount of intake air in an I.C. engine. The Office Action does not make a *prima facie* case showing that the throttle valve control device in Claim 9 has separate utility from the device in Claims 1-8.